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ABSTRACT

This paper begins with a discussion of society and information, as well as the right to information. A 1996 UNESCO (United National Educational, Scientific, and Cultural Organization) document entitled "UNESCO and an Information Society for All" is highlighted. Information and informatics policies are then considered. Efforts related to information policies in Mexico are summarized in the following areas: the right to information; the General Library Act; the Copyright Federal Act, the Book Act; and the Program for Informatic Development. Information policy experiences in other Latin American countries, including Argentina, Colombia, Costa Rica, Chile, Peru, and Venezuela, are also described. (Contains 11 endnotes.) (MES)

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The Information Right and the Information Policies in Latin America

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Abstract

The information's policies established should be in a close relation with the generals' policies from the country, just like the policies on education and culture with the historic and social reality

Besides the information's policies, the technology and the information waves present new ingredients that go in a new way of using the information, therefore if goes the implementation of the information' policies in the world and so in the whole world.

It's given a description ot the Mexican experience as far as the application of the information' policies and it's analyze also the experience of other countries of Latin America like Argentina, Colombia, Costa Rica, Chile, Peru and Venezuela.

It shows the importance of the information in the process of social development, therefore it is possible to make stronger the different projects toward the unification of national policies of information in Latin America

Paper

The flow of culture and its different manifestations requires all the possible means to allow opportunities of communication with and among everyone, shortening distances between those who have access to information and those who do not. This access requires further studies to

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strengthen the relationship between culture, development and political organization.

Society and Information

Information, as the representation of thought and knowledge, has led us to consider that society receives and is exposed to the information from the common language used by the mass media as well as to the one generated by the literary, scientific and technical language of specialized literature. In both cases society produces the information resulting in a conscious and unconscious interest of transmitting it individually and collectively. This strategic information may be available only to a select group or to everybody. It may be sought, needed and used by individuals or groups in power like the State, commercial partnerships or political groups. The participation of society is decisive in the process of generating and using information, and society is in charge of assigning it its value and function.

It is still thought that since information is generated so easily, it must be considered part of our natural heritage, as much as the forests, rivers, and the sea are. Different ecologist groups have reported that this heritage is endangered, with measures being adopted to prevent its loss. We have thus become aware of the cost to rescue it and preserve it. Such is the case with both oral and written information. We always believed that in as much as information is a required element in all our actions, no effort is involved in its production, access, organization and dissemination. However, the situation is very different. If we in Latin America fail to act and do not strive to acquire and deliver to our people the information needed for development, we will not be actually using it and this development will also become questionable.

Acquiring and organizing information is not enough. It is also necessary that it be available when required. Technologically we have all the facilities to make information available to all users. Nonetheless, securing information is not so simple because we cannot ignore political and economical restrictions, standardization deficiencies and the limitations imposed by groups in power like censorship, filter and influences that have an impact on information in each process. Information can also be enriched or impoverished by the interpretation of those who select, analyze or summarize it, by those who assign descriptors and search it in a catalogue or data base as a technical aspect of their work or for the convenience of political systems, economical groups or simple marketing elements.

The Right to Information

Information is a response to the need human beings have of expressing themselves and learning what other have expressed. It is the response to a need that at a certain moment becomes an essential human right because, as free people, we have the right to express ourselves, to inform and be informed. This natural privilege should be guaranteed by the State and defended by society. This right should also be considered as a whole. We must not only think in the creation of information and the manifestation of ideas and knowledge but also in its circulation, availability, use and interpretation.

As a result of the agreements reached in a meeting held in November 1995, UNESCO published a document in May 1966 entitled *UNESCO and an Information Society for All*, containing an educational, scientific and cultural project related to new information and communication technologies. One of the decrees of the General Assembly itself engages the participation of the UNO to promote the free flow of ideas by means of words and images. It also assumes the obligation of promoting international cooperation in communication, information and informatics in an effort to decrease the prevailing inequality between developed and developing countries. Regarding medium-term strategies planned for the years 1996-2001, there is special emphasis on the use of communication and information technologies at the service of development, democracy and peace.

This is the condition that will allow the information society to reach its ultimate goal:

autonomy for each and every citizen by means of access to knowledge, and the ability to use it.

The "information society for all" is both global and local, comprised by individuals and social groups which participate in the informational whole and contribute local information, their point of view and idiosyncrasy to the information whole surrounding us.

Information policies

To make the right to information come true, there must be a close relationship between society and the State, with mutual interactions so that, in face of the increasingly approaching future, the new behaviors, attitudes and values of the global society may be taken into account, with an awareness of the strategic value of knowledge, information and exchange in the development and democratization of Latin American societies.

The information policies we will establish will be closely related to the general policies of each country, with public policies pertaining to education and cultures, and the historical and social realities of the nation itself and the Latin American region.

The examples of information policies in Latin America are not necessarily all-embracing because it is possible to see partial efforts interrelated to the activities and products that enable the inhabitants of a country to use and read information. We have laws, agreements or State initiatives relevant to the policy a certain State has established in the public and cultural or information and literacy domain. There are also Acts from which policies on libraries, books, copyrights and information resources and systems may be inferred.

Informatic Policies

Information technologies and networks today own new ingredients converging into information and its use. Information networks, equipment programs and systems exist because they transmit information while life in today's world is surrounded by information and the possibilities involved in approaching and acquiring knowledge. Although they are an essential part of information policies, countries and international institutions generally consider technological issues separately and deal with them as informatic policies.

Following are some examples of the efforts in certain Latin American policies regarding information policies:

Mexico

Throughout its contemporary history, Mexico offers different examples of its attempt to consolidate cultural policies related to books and libraries as a means to make world culture available to its people.

Nonetheless, these policies have always been subjected to personalities who play an important part in the political and cultural life of the country, and are seldom translated into actions beyond these individuals' political term, their power domain and their decision-making possibilities. This at times is due to lack of a legal framework and at others to the scarce continuity of actions, the joint planning of the educational process and the poor relationship between cultural projects and development plans in the government segment.

a) The right to information

This right originated in the Mexican ordinance as a consequence of the freedom of speech, considered one of the fundamental privileges of human beings and the essence of 20th century liberal ideology.

The 6th article of Mexico's current Constitution states that "The manifestation of ideas shall not be subjected to any judicial or administrative inquisition. If the attack to moral and the rights of third parties provokes a crime or threatens public order, the right to information shall be warranted by the State."[1]

This article deals in fact with two aspects: firstly, the natural need of expression of human beings, and secondly, the preservation of the prerogative society demands from the State, engaging its compromise to warrant this exercise through the right to information.

b) General Library Act

The actions to guarantee the right to information should be simultaneous to the creation of mechanisms to guarantee its compliance and exercise regardless of the economical, social and political costs it may involve.

The General Library Act was passed on January 21, 1988, and is observed throughout the Republic, sustained on the objectives of the aforementioned program. This Act declares free attention to anybody who wishes to consult library material, and refers to public libraries as institutions that offer democratically book consultation services and other complementary cultural services enabling the population to acquire, transmit, increase and freely preserve knowledge from every domain and in any means containing information, while relating library policies to the National Plan of Development. [2]

c) The Copyright Federal Act

The current Mexican Copyright Federal Act was published in the Diario Oficial on December 24, 1886 and is a compilation of editorial concerns, rather than those related to library users.

The concern to protect an author's copyright, the result of his intellectual effort, is among the ones that has materialized more as a policy for the intellectual and artistic world, propitiating as act and ordinance for the protection of this right. Nonetheless, just as public opinion is in favor of defending this right, it is also true that citizens themselves violate this law too easily, at times because of ignorance and at others by deceit. This situation has led to extreme dangers which may attempt against the right to information, making the access to plural information and the possibilities to have and create knowledge considerably difficult.

The defense of an author's copyright is of interest to creators throughout the world and is positively accepted concerning formal aspects and the acknowledgment of authorship and bibliographical references. However, the intention to impose a restrictive use on information has been the object of study by high-ranking international associations that deal with information, such as the International Federation of Library Associations and Institutions (IFLA) and the International Federation of Documentation (FID), which have expressed their view about this and invited authors and publishers to accept the social role which institutions such as libraries must play, as institutions that offer free information to different social groups. On the other hand, these associations require libraries and information centers to make judicious and careful use of the reproduction means of original works and those received by electronic means.

d) The Book Act

Public policies concerning the culture of many Latin American countries, specially Mexico, acknowledge

technological development and the power of electronic media, although books are still one of its main decisive elements. This is why a legislation has been established to protect this tool and to promote its production, commercialization, and use.

Legislation attempts in this regards are actually derived from the interest publishers have to sell more books for the reason that this segment unfortunately measures reading rates in each country according to the number of copies they sell.

The most recent efforts to establish a book act in Mexico took place in 1996, as an initiative by the National Chamber of the Mexican Publishing Industry which proposed a project for the *Mexican Book Act and Promotion of Reading*, (as of yet not passed):

e) The Program for Informatic Development

At a national level, this program is found within the *National Development Plan 1995-2000* and considers informatics as a strategic element for national development owing to its value as an agent that has had an impact on practically all domains and activities. Information in turn is considered as inherent to the existence of human beings and societies in their search for knowledge.

The main goals of this program is to promote the use and development of the informatic industry, fostering the creation of an informatic culture and increasing the network and equipment infrastructure. However, not all of this is linked to the origins of development, education and the indispensable use of information as a requirement for knowledge acquisition.

Some Experiences in Latin America

Latin America has new means to disseminate information and knowledge and therefore new possibilities to construct an information society with a Latin American personality where the State will promote and promulgate informative and informatic resources.

Information policies in the area have been influenced by the guidelines of international institutions such as UNESCO, OAS, and IFLA which have worked on a constant basis to sensitize professionals and government officials. Highly developed countries in this domain have also been involved as technical and academic leaders and large producers of hardware and software programs.

Several Latin American countries have attempted to create their own information policies; sometimes holistically organized and, at others, as individual efforts considered relevant at certain moments. Most importantly, however, are the already existing efforts which have marked the beginning of a coordinated action for national coverage that will enable each country and the region itself to live in a currently globalized world.

Argentina

In 1995, eminent professionals from the 40's, like Carlos Víctor Penna and Josefa Sabor, felt the need to promote new efforts so that the Argentine Republic would have its own national Information System to implement previously defined information policies that would be useful for their country's development. They congregated young people in workshops and their efforts culminated in the plans for a project to legislate the creation of a Federal Systems of Library and Information Services.

The first workshop was held on April 1st., 1995 with the participation of information specialists who analyzed the document "National System of Library and Information Services" with the purpose to "[...] ensure that all Argentines, regardless of their schooling, geographical location in the national territory and their profession or activity, would have free access to bibliographical and documentary resources, notwithstanding their format, and without any kind of limitation [...]".

The final version includes a first chapter on national policies on library and information services, whose first articles states that:

Citizenship participation in the development of a fully democratic Republic; the modernization of State institutions and private organizations; the right to information and knowledge for all Argentines; the concurrence of the country in scientific, cultural, financial and commercial segments; its incorporation to regional integration projects such as MERCOSUR; and the implemented plans leading to the improvement of the level of life of the Argentine people increasingly require an efficiently informed population for the Nation to reach its high objectives and successfully participate in the concert of nations.

In April, too, the final version of the preliminary plan to legislate the Federal System of Library and Information Services was delivered to the Cultural Commission deputies. At the time the Act for the Promotion of Books and Reading was already in Congress, with the objectives of fostering the production of books and essentially to disseminate the habit of reading. As of now, neither of these laws has been passed by Congress. The efforts here reviewed are at a national level, although in the provinces there are two examples of information policies and local systems already underway.[3]

Colombia

This country has a long tradition in cooperative work related to information, reading and libraries. Thanks to this and the growing publishing industry, Colombia has created efficient national information policies, having even in the 70's set the groundwork for the National Information System. This system has been mainly supported by the organizations founded by the administrative reform, such as the Colombian Institute of Culture (Colcultura), the Colombian Institute for the Promotion of Higher Education (ICFES), the Colombian Fund for Scientific Research and Special Projects (Colciencias) and the National Council for Science and Technology, all which have constituted an institutional basis at national level to promote information-related policies.

In 1973 the project for the National Information System was legally integrated to Colciencias and a year later UNESCO designated Colombia as focal point of the UNISIST (Information System in Science Technology). The goals of this System were consequently outlined: "to make the existing information resources in the country available to the national community by coordinating actions and the necessary resources, and developing a network of national libraries and information services [...]".

In 1988, Colciencias established the basic guidelines for a national information policy, with the goal of guaranteeing the production, exchange, dissemination and use of information and knowledge to ensure its integration to national development processes in all its aspects. [4]

That National Culture Plan (1992-1994) cites as a priority the creation and implementation of the National Information System in the area in an effort to articulate culture and education as the main axis for the country's development.

Costa Rica

This is the Central American country that has more systematically worked on the field of information, advancing firmly towards the implementation of information policies to sustain public actions related to education and development. Although the National Information System was legally established in 1974, it has only been consolidated through sectional efforts, out of which those pertaining to science and technology are worthy of mention. In the 80's the Science and Technology Ministry coordinated national activities for the development of a program to advance scientific and technological development within the country. This required establishing four fundamental policies to constitute a National System of Science and

Technology: the necessary resources, industrial reconversion, aggregate value and the popularization of science and technology. Noteworthy is the system's following objective: "The development and conservation of an *information, statistical and documentation system* in science and technology at the service of different segments within the country".

All the actions needed to develop a national informatic policy were compiled in the *National Science and Technology Program* (1986-1990) and in 1990-1994, underscoring the necessity to strengthen state and private information services.

Costa Rica has also had as important purpose the promotion of high-speed links by means of advanced communication technology among scientist from universities, institutes and research laboratories, technological component industries and national and other Central American corporations with colleagues and peers worldwide.

There has also been an interest in intellectual copyright and Costa Rica boasts an important tradition concerning the legislation of "Copyright Registration and Related Issues" and is now part of the Universal Copyright Convention. Its national policy likewise considers introducing children to the use of information and its technology. Steps have also been taken in public and university libraries to promote information access and use, and to practice reading.[5]

Chile

With a similar tradition to other American Latin countries, Chile has also been interested in protecting authorship and has participated in the Bern and Paris Conventions on this subject. Decree 74, published on July 21, 1955[6] established the compliance of the agreements reached in the *Interamerican Copyright Convention* for literary, scientific and artistic works, which were signed by the American Republics in an effort to perfect authorship protection. This action was completed with the decree published on July 26, 1955 where the *Universal Copyright Convention*, was considered as own.

The content and coverage of these agreements were later enriched under Law 17.336 on *intellectual property*, published on October 2, 1970, according to which the rights of both Chilean and foreign authors living within national boundaries are protected.

Chile is interested in book policies and similar information registers and has joined efforts and actions to allow for a more extensive policy that will benefit the publishing industry, the availability of reading material and the readers themselves. The Act for the Promotion of Books and Reading was made public on July 1st, 1993 in a ceremony led by the President of the Republic; in other words, with utmost support. It is relevant to point out that besides protecting books from the publishing perspective with respect to piracy and illegal reproduction, this arrangement deals extensively with reading, the importance of books and literary creation.

The legal standards to protect computer programs date from 1970 and 1971 (with their respective modifications, undertaken in 1972, 1985, 1990 and 1991, having the same objectives). Just like printed matter, authors of programs have moral and patrimonial rights which are included in the Act of Intellectual Authorship. Additionally, the adaptation and lawful and unlawful reproduction of programs is specified.[7]

Likewise, by means of the National Commission for Scientific and Technological Research (CONICYT), the use of communication and information networks, like Internet, have been promoted to make this service available to Chileans, as well as giving them access to remote bases and all the information found on the Web.[8]

Peru

Peru has not been an exception. Outstanding among the efforts to develop an official policy in the informatic domain are the ones undertaken in 1981, in which the Peruvian Association of Librarians and the UNESCO, through its General Information Program (PGI), organized a National Congress on Library Science and Information having as main subject the lack of national information policies, the need for a *national information system for development*, and, therefore, the definition of public policies in this regard. A preliminary project was also present to legalize the organization and operations of the National System of Information for Development. This project privileged the role of libraries and considered that information in a developing country is dealt with and mainly transferred through these actions, thus collaborating with educational goals--an essential element in the plans for economic and social development.

After this project and other efforts undertaken in October 1993, a national regulation of information policies were partially achieved through declaration D.S. No. 33-83-DE that, once established, regulated the National Library System, where the National Library was the main organization to which four main activities were assigned, with a number of other Directions: of School Libraries, of Public Libraries, of National Bibliography and of Authorship. All this depending on the Ministry of Education. The National Library was in charge of specifying and implementing a policy to promote books and reading, while the other institutions had the responsibility of standardizing, guiding, coordinating, assessing and supervising the actions inherent to their field of action, directing and offering technical assistance to the institutions involved in their field and participating in the establishment of library policies. [9]

Venezuela

Owing to the work carried out by institutions and professionals related to books, libraries and reading, in 1976 the necessary resources were compiled for the creation on September 9 of that same year of the National Commission for the Organization of the National System of Library Services and Humanistic, Scientific and Technological Information, which depended directly on the Presidency of the Republic.[10] This initiative considered humanistic, scientific and technological *information* as an indispensable resource for an *integral national development* and, consequently, deemed the expeditious and efficient use of information by society[11] as essential.

Fortunately, this measure did not remain on paper but was implemented by many actions to benefit information users (children, high school students, researchers, university students and the population at large), based on the leadership of the Autonomous Institute of the National Library and Library Services, the Book Bank, and the different information systems and networks, as well as on the interaction with providers of technology and other essential elements that currently enable the adequate use of information. In 1987 a seminar on National Information Policies was held in Caracas by the government of Venezuela, with support from the UNESCO, to discuss the proposition of a national information policy and strategies for its implementation. This work was an effort to define policies linking information to national development, access to information, promotion of national information, production and support for the efficient use of information, information technology and the development of human resources.

A Regional Effort

After this brief review of some of the actions that have been undertaken in Latin America, there is no doubt that, at least conceptually and in the different projects of each country, the importance of *information* is manifest in *developmental* processes; Nonetheless, the facts and general results in each of the cited examples do not enable us to conclude that the information has actually been used for decision-making and that the plans have been included in the government programs of the social, economic and political segments. This is more notorious in the education segment where it is unforgivable to propose modalities involving a great

physical and technological infrastructure without the informative component that leads to knowledge.

Accomplishments in Latin America regarding the development of its national and regional information infrastructures are multiplying and have increasingly received more financial and political support. Likewise information is also increasingly mentioned and considered an essential issue in government programs and projects in the different segments of the national life in each of our countries.

Communication is not yet fluent from one country to the other within the region. This has led to the need to require information to a developed nation, alien to the area, to which a Latin American State had previously relinquished or sold its information, thus enabling the former to develop an informative product with aggregate value that it then resells at a higher price to the solicitor. Since this situation is still unsolved, the Regional Program for Strengthening Cooperation among Information Networks and System for the Development of Latin America and the Caribbean (INFOLAC) has been underway since the 80's, having striven since the beginning to find information for development. Based on the activities inherent to national systems and networks, as well as to regional networks, this program has established ways to deal with problems of common interest as a whole which, because of their complexity and importance, could hardly be solved individually or particularly.

The driving force behind this program is naturally information, considered as an economic resource requiring cost coverage for its transformation into a useful and precise element in intellectual processes related to decision-making. Many solitary efforts have been made in the region, but not all the ones that are really needed--often beyond national information policies. Because they are absent or have not been considered, this has become a task that must be dealt with if we want to lower costs and get more efficient final results in decision-making at a national and regional level so these will ultimately be useful for the population at large.

Because as a program it is still alive, although not very active as of late, its general purpose has been and is to strengthen autonomy and the individual and joint abilities of the national institutions in Latin America and the Caribbean to create and operate organization mechanisms and the access to information resources, enhancing their use by establishing, implementing, assessing and managing their respective development plans, programs, policies and actions.

The years have gone by and the accomplishments have not been uniform in all the Latin American countries. Some, like Mexico, Costa Rica, Venezuela, Colombia, Chile, Argentina, and Brazil, have been more successful. Nevertheless, advances have not been those required for the development needed in the region if our goal is to achieve something equivalent to what is found in developed countries, and if the interaction among governments, individuals and groups in a globalized world interconnected by telecommunications and the interactive flow of information is considered indispensable.

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